IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 932 of 1996

Between:

1 The Hyderabad Metro Water Supply & Sewerage Board, Plantation Cell Div., Rep., by its Forest Range Officer-I
Gosha Mahal, Hyderabad.
2 The Hyderabad Metro Water Supply & Sewerage Board, Plantation Cell Division, Rep., by Deputy - Conservator of
Gosha Mahal, Hyderabad.

..... PETITIONER(S)

AND

1 The Authority under Payment of Wages Act & Asst. Commissioner of Labour, R.R-I Circle, R.T.C. 'X' Roads, Hyderabad
2 Ch. Ramulu C/o. Mohd. Ghouse, President Forest Workers Union, Hyderabad, Gosha Mahal (O/o Hyderabad Metro Water Supply & Sewerage Board).
3 P. Jangamma C/o. Mohd. Ghouse, President Forest Workers Union, Hyderabad, Gosha Mahal (O/o Hyderabad Metro Water Supply & Sewerage Board).

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an Order or issue a Writ particularly one in the nature of Certiorari and quash the order dated 21-10-1995 in P.W. Cases No. 7/91 to 10/91 on the File of the Authority Under P.W. Act and Asst. Commissioner of Labour, Circle -I, R.R. District, after calling for the records.

Counsel for the Petitioner:MR.B.G.RAVINDER REDDY

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondents 2 and 3: None appeared.

The Court made the following :

ORDER:

Heard both sides.

Petitioner herein is the Hyderabad Metro Water Supply and Sewerage Board, files this Writ Petition inter alia, seeking to assail the orders passed in P.W. Cases No. 7/91 to 10/91 dated 21.10.1995 by the authority under Payment of Wages Act allowing the claim of the contesting respondents 2 and 3.

The case of the petitioner is that the respondents are not the direct employees/workers under the petitioners but they are being engaged by a contractor in between and therefore, no claim as such is sustainable. Further it is also pointed out that in respect of similar such relationship, it has been held by the labour Court in I.D.No. 265 of 1992 dated 18.3.1995 on the file of Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad that no such relationship exists and therefore, the very claim is unsustainable and could not be laid. More so, it is also pointed out that the contractor who is in between has not been impleaded. Therefore, the very application is liable to be dismissed.

Having heard the submission made across the bar and also on perusal of the material on record, it is seen that the claim of the contesting respondents is meagre and it is now represented across the bar that the entire amount has already been paid by the petitioners. No doubt on the face of it as per the provisions of the Contract Labour (Regulation) Act, principal employer is always held liable. In view of

the same, I do not find any merit in the objection raised by the petitioner. It is always open for the petitioner to proceed against the contractor who engaged the persons and avail such other remedies available to him under law.

Accordingly, the Writ Petition is dismissed. No costs.

24.11.2004

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To

1 The Authority under Payment of Wages Act & Asst. Commissioner of Labour, R.R-I Circle, R.T.C. 'X' Roads, Hyderabad

2. 2 CCs to G.P for Labour, High Court Buildings, High Court of A.P., Hyderabad.(OUT)

3. 2CD copies